S.B.CIVIL TRANSFER PETITION NO.36/2005

Smt. Dhapu
vs.
Kishore Kumar.

DATE OF ORDER ::: 7.12.2005

PRESENT

HON'BLE MR. PRAKASH TATIA, J.

Mr. GL Khatri, for the petitioner.
Mr. LD Khatri, for the respondent.

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Heard learned counsel for the parties.

The petitioner is resident of Pokaran in district Jaisalmer whereas the divorce petition filed by the respondent is pending in the Court at Barmer which is about 173 kms. away from Pokaran. The petitioner is seeking transfer of divorce petition from Barmer to Jaisalmer, in which District, the petitioner is residing and having less distance to travel.

According to learned counsel for the petitioner, looking to the strained relations and the incidents, it is not safe for the petitioner to go to Barmer to attend the court proceedings and take her witnesses to Barmer.

Learned counsel for the respondent submits that the respondent is paying the travel and other expenses to the

petitioner and there is no question of any danger, therefore, the case may not be transferred. It is also submitted that since no Court is situated in Pokaran itself, therefore, minor more distance may not cause any hardship to the petitioner.

I have considered the submissions of learned counsel for the parties and perused the facts.

The petitioner is resident of Pokaran which is situated in Jaisalmer District and to attend the case at Barmer, the petitioner will have to travel more but this is not only fact but the petitioner has shown some apprehension about her safety, therefore, it will be just and proper to transfer the case from Barmer to the Court at Jaisalmer.

Accordingly, this transfer petition is allowed and it is ordered that the Civil Misc. Case No.12/2003 (Kishore Kumar vs. Smt. Dhapu) pending in the Court of Additional District Judge, Barmer is withdrawn from that Court and is hereby transferred to the Court of District Judge, Jaisalmer for disposal in accordance with law.

Both the parties shall appear before the district Judge, Jaisalmer on the date which may be fixed by the Additional District Judge, Barmer in the case.

(PRAKASH TATIA), J.

S.Phophaliya